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99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-519

MF 144

JUAN RICARDO McRAE

APRIL 9, 1986.—Committed to the Committee of the Whole House and ordered to be printed

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Mr. LUNGREN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H.R 3093]

The Committee on the Judiciary to whom was referred the bill (H.R. 3093), for the relief of Juan Ricardo McRae, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of this bill is to facilitate the admission into the United States of the adoptive child of United States citizens.

STATEMENT OF FACTS

The beneficiary is a 21 year old native and citizen of Panama who was adopted by U.S. citizens in Panama December 20, 1982 at the age of 17. He is the nephew of the adoptive mother who cared for him since the age of three when his mother died. Mrs. McRae, the aunt, then immigrated to the United States. The adoptive parents provided support until his entry to the United States in 1981 as a visitor and later changed to a student. He has resided with his adoptive family since that time and they currently are located in Mexico City where Mr. McRae is employed at the U.S. Embassy. There are two natural children, ages 21 and 17. A favorable home study has been submitted.

On January 2, 1986, the Department of State submitted a report on this bill which reads as follows:

71-007 O

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U.S. DEPARTMENT OF STATE,
Washington, DC, January 2, 1986.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Juan Ricardo McRae, beneficiary of H.R. 3093, 99th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the United States Embassy at Mexico, D.F., in whose consular jurisdiction the beneficiary resides.

This bill would provide for the beneficiary's classification as a child and for granting of immediate relative status upon the filing of a petition on his behalf by Barrie McRae and Edilma McRae, United States citizens. The bill also provides that the natural parents or brothers or sisters of the beneficiary shall not by virtue, of such relationship, be accorded any right, privilege or status under the Immigration and Nationality Act.

With best wishes,

Sincerely,

WILLIAM L. BALL III,
Assistant Secretary,
Legislative and Intergovernmental Affairs.

Enclosure: Memorandum of Information.

MEMORANDUM OF INFORMATION CONCERNING H.R. 3093, FOR THE RELIEF OF JUAN RICARDO MC RAE, SUBMITTED BY U.S. EMBASSY AT MEXICO CITY, MEXICO, DF

The beneficiary was interviewed by a consular officer at the U.S. Embassy at Mexico City, Mexico. He was accompanied by his U.S. citizen adoptive father, Barry McRae.

The beneficiary was born in Colon, Republic of Panama, on May 21, 1965. He lost his mother when he was three years old and was left in the custody of his maternal grandmother by his natural father. His grandmother and his aunt, Edilma McRae, who considered Juan as her third son and gave him parental guidance and financial support, raised him from the time he was four years old. After his aunt was married, in 1973, he continued to live with his grandmother until 1980.

The beneficiary attended primary and junior high schools in Colon. He does not recall who paid for his tuitions, uniforms, books and other educational and living expenses. His adoptive father stated that he and his wife provided funds upon requests from Juan and his grandmother. In 1980 Mr. and Mrs. McRae began exploring the possibilities of adopting the beneficiary. Mr. McRae stated that he and his wife were concerned about Juan, as he was living randomly at the homes of different relatives in Colon, and that they were interested in providing him a more traditional and stable family environment. Mrs. McRae traveled to Panama in early 1980 and made ar-

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rangements to have Juan travel to the United States with her. In March 1980, Juan entered the U.S. on a tourist visa issued in Panama. His nonimmigrant visa status was adjusted in New York to that of a student and he was enrolled at James O'Neill School in Highland Falls, N.Y. until July 1983, when he and the McRaes departed the U.S. for Bolovia.

Mr. McRae stated that in 1980, he and his wife began adoption proceedings in Panama with the assistance of Juan's grandparents and the Panamanian law firm of Sucre, Shirley and Diaz. According to Mr. McRae, Juan's natural father delayed proceedings by not signing the required documents until July 1982. The formal petition for the adoption of Juan was submitted to the appropriate judicial authorities in Panama in July 1982, and the petition was approved in December 1982, when the beneficiary was seventeen years old and no longer eligible for an immediate relative immigrant visa. The beneficiary has only one aunt and one cousin, other than the McRaes, residing in the U.S.

The beneficiary has been living with Mr. and Mrs. McRae since 1980. He has accompanied the family to La Paz, Bolivia where Mr. McRae served a two-year tour of duty with the Defense Attache's Office at the U.S. Embassy there. Juan attended the American Cooperative School in La Paz, where he completed his secondary education. He re-entered the U.S. in May 1985 on a tourist visa issued at La Paz, and remained in the U.S. until August 1985 when Mr. McRae was transferred to the Defense Attache's office in Mexico City where the family presently resides.

The beneficiary was examined by the Embassy's medical panel physician in October and the results show no exclusionary diseases or conditions. Security clearance from La Paz provided no derogatory information.

Attachment: Copies of Adoption Decree.

[Translation]

PUBLIC DEED NUMBER ELEVEN THOUSAND THREE HUNDRED AND FIFTY-NINE (11,359)

By which Mrs. Edilma Atencio McRae and Mr. Barry Lynn McRae adopt Juan Ricardo Blas Rosado, a minor, as their own son. Panama, December 20, 1982.

In the city of Panama, capital city of the Republic and seat of the Notarial Circuit of the same name, at twenty days of the month of December one thousand nine hundred and eighty-two (1982), before the undersigned, Octavio Villalaz Castillo, Fifth Notary for the Circuit of Panama, Identification Cedula No. 8-AV-1-169, personally appeared Luis Antonio Shirley Campbell, Attorney-at-Law, male, Panamanian, Identification Cedula No. 8-180-794, whom I know to be an associate of the law firm of Sucre, Shirley and Diaz, who are duly authorized to present this petition as attested by the power of attorney protocolized

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and added to this deed and in that capacity he presented to me for its protocolization the instrument by means of which Edilma Atencio McRae and Barry Lynn McRae adopt the minor Juan Ricardo Blas Rosado as their own child according to the following clauses: First: That by this public document they adopt as their own son the minor Juan Ricardo Blas Rosado, male, born in Colon the twenty-first (21) day of May one thousand nine hundred and sixty-five (1965). Second: That the minor Juan Ricardo Blas Rosado is properly registered in Volume Eighty-seven, Entry Number Two Thousand Five hundred and Forty-one of the Civil Registry for the Province of Colon. Third: That the mother of the minor being adopted is Thelma Rosado Camargo, deceased, and the father is Juan Ricardo Blas Campbell, male, Panamanian, Identification Cedula No. 3-82-1952, married for the second time and a resident of this city. Fourth: That in making this adoption they have thoroughly fullfiled all the requirements prescribed by law and that they have been duly authorized by the Judge of the Tutelary Court for Minors of the Province of Panama as attested by the resolution dictated by said official, copy of which has been delivered to me for protocolization and reads as follows:

RESOLUTION NO. 1835—TUTELARY COURT FOR MINORS

Panama, twenty-nine of September one thousand nine hundred and eighty-two.

Whereas: Edilma Atencio McRae and Barry Lynn McRae, through legal representation request authorization from this court for the adoption of the minor Juan Ricardo Blas Rosado, child of Juan Blas and Thelma Rosado, deceased. To this petition are attached the following documents: Birth Certificate of minor Juan Ricardo Blas Rosado; Certificate of Marriage of Barry McRae and Edilma Atencio McRae; Dead Certificate of Thelma Rosado Camargo, mother of the minor Juan Ricardo Blas Rosado; certification of the Public Registry to the effect that Juan Ricardo Blas Roeado has no real estate registered to his name; certification of the Second Public Notary for the Circuit of Colon. On page 13 of the Circuit Records there is the sworn deposition of Juan Ricardo Blas Campbell, father of the minor Juan Ricardo Blas Rosado stating that he agrees to and approves the requested adoption, also stating that the mother of the minor is deceased and that the child has been living with the consorts McRae for more than one year. After giving due consideration to the facts that the mother of the mother is dead and that his father Juan Ricardo Blas Campbell in a sworn deposition agrees to the requested adoption and all the legal requirements having been fulfilled, it is the prerogative of this court to pronounce sentence on the petition for said adoption and, therefore, this Court Sanctions the petition and certifies compliance with the legal requirements and that,

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to the satisfaction of the Court, the moral and material interests of the minor Juan Ricardo Blas Rosado are properly guaranteed and, therefore, the request of consorts Edilma Atencio McRae and Barry Lynn McRae must be granted. Based on above considerations, the undersigned, Judge of the Tutelary Court for Minors, administering justice on behalf of the Republic and by authority of the law, GRANTS to consorts Edildma Atencio McRae, American citizen, SSN-524-04-3769, and Barry Lynn McRae, male, American citizen, SSN-394-52-7147, both residing at No. 3010-A Stony Lonesome, West Point, New York, 10996, United States of America, Judicial Authorization to adopt the minor Juan Ricardo Blas Rosado, born on May 21, 1965, registered in Volume 87, Entry 2541 of the Register of Births for the Province of Colon of the General Directorate of the Civil Registry. It is hereby ordered to make the marginal correction in that volume. Protocolize this instrument as prescribed by law before a Notary Public. Authority: Art. 171 and as of the Civil Code; Arts. 1425 and as of the Judicial Code; Art. 4 of Law 24 of 1951 and Law 100 of 1974. Notify, Comply and File. The Judge, (Signed) Lic. Santiago Batista De Gracia. The Secretary, (Signed) Lic. Ismael Rodriguez E. This is a true copy of the original. Panama, December 14, 1982. The Secretary of the Tutelary Court for Minors. (Signed) Eligio Marin C., General Vicesecretary. (SEAL). Also Present at These Preceedings Was Lic. Santiago Batista De Gracia, male, Panamanian, married, Lawyer, resident of this city, Identification Cedula No. 2-45-43, whom I know and stated: That by virtue of his office as Judge of the Tutelary Court for Minors, he sanctions the adoption made by consorts Edilma Atencio McRae and Barry Lynn McRae of the minor Juan Ricardo Blas Rosado. The Notary Public certifies that this document has been prepared in regular paper in compliance with Article Sixty-six (66) of Law One Hundred (100) of thirty December one thousand nine hundred and seventy-four (1974), by which the Civil Registry is reorganized; this document was read to all concerned in the presence of witnesses Marco Anatonio Perez Cedeño, Cedula 7-12-1005, and Juan Ramos Quintero, Cedula 6-52-1705, both males, Panamanians, married and residents of this city, who are known to me as qualified persons for this purpose and they approved and signed this document before me, the Notary Public, and to which fact I attest. This deed is assigned number eleven thousand three hundred and fifty-nine (11,359).

To the best of my knowledge and capabilities, this is a true translation of the document by which Edilma and Barry Lynn McRae adopt Juan Ricardo Blas Rosado as their own son.

Marco A. Valle C., Translator, GS-10, Airlift Communications Div., Operating Location "C", USAF, Albrook AFB, Panama.

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Mr. Gunderson, the author of the bill, provided the following statement in support of this legislation.

STATEMENT OF HON. STEVE GUNDERSON, M.C., MARCH 20, 1986, H.R. 3093, PRIVATE BILL ON BEHALF OF JUAN MCCRAE

Mr. Chairman: I appreciate the opportunity to appear before you today to present my testimony on H.R. 3093, a private bill introduced on behalf of Juan Ricardo McRae. We have previously submitted to the Subcommittee information as required for the consideration of this private legislation and I will thus keep my comments as brief as possible.

Mr. and Mrs. McRae have, to the best of their knowledge, exhausted all available administrative avenues in hopes of resolving the problem of Juan's resident visa status. This bill serves as their last opportunity to guarantee that Juan will be able to permanently reside with them in the United States.

The McRaes have experienced countless obstacles in pursuing first, the adoption, and now, permanent resident status for Juan. However, they have displayed an earnestness and determination in their efforts that has convinced me without a doubt that Juan's well-being was, and is, the McRae's only concern. This bill will ensure that Juan will be able to remain with the only permanent family he has ever really known.

A number of extenuating circumstances have contributed to the need for this bill. Assignment transfers, and a presidential resignation in Panama that effectively paralyzed the government offices necessary to the completion of adoption proceedings, were just two of the uncontrollable factors resulting in Juan's adoption not being finalized until he was seventeen years of age—past the age of eligibility for U.S. citizenship through adoption.

I am confident that upon review of the records submitted on behalf of Juan McRae, it will be apparent to all members serving on the Subcommittee that the adoption of Juan was in no way intended to circumvent immigration laws.

Early on in his life, Juan was included in the family activities of Mrs. McRae and her two sons. He was regarded more as a brother than a cousin by the two sons of Mrs. McRae. Since entering the United States in 1981, Juan has been very much a part of the McRae family. He lived with the McRaes at West Point for a full year on a student visa prior to their initiating the adoption and for the entire time during which the adoption was pending. When his father received station re-assignments, Juan accompanied the family to those re-assignments in Bolivia and Mexico.

After reviewing the facts of this case, and having met with Juan and his parents, I am confident in arguing that the interests of Juan, his family, and the United States would be best served if this bill, H.R. 3093, is passed. I

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urge your support of this measure and would be more than happy to answer any further questions you might have regarding the bill.

The following additional information is supplied:

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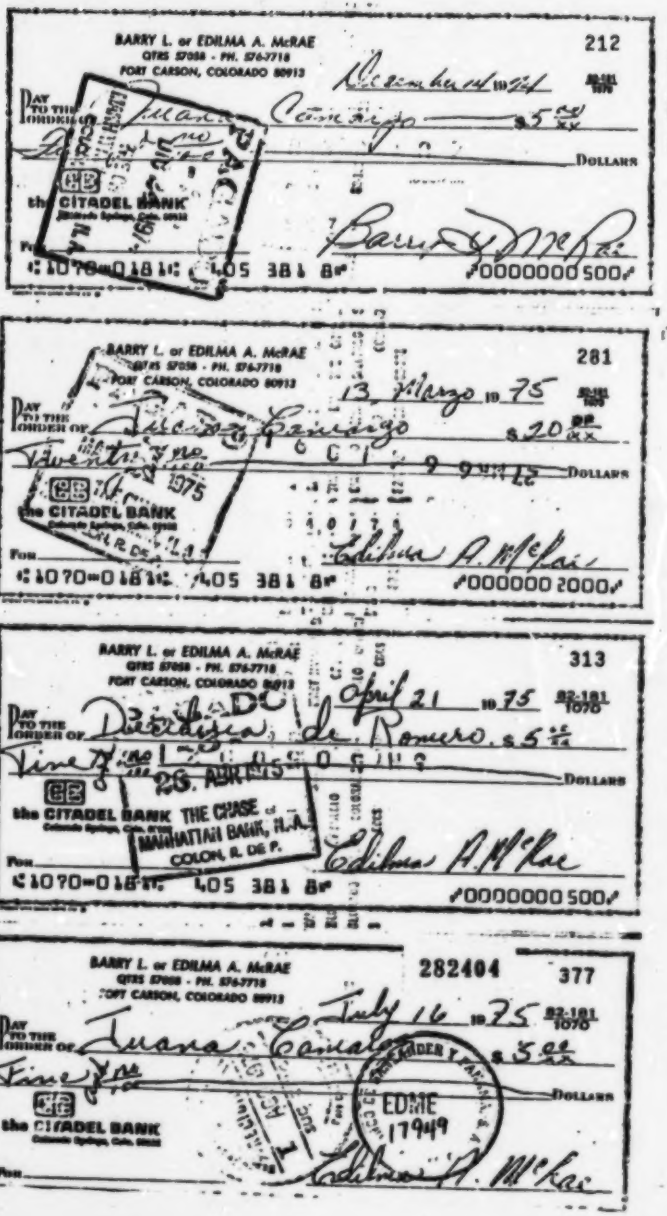

Enclosure 1

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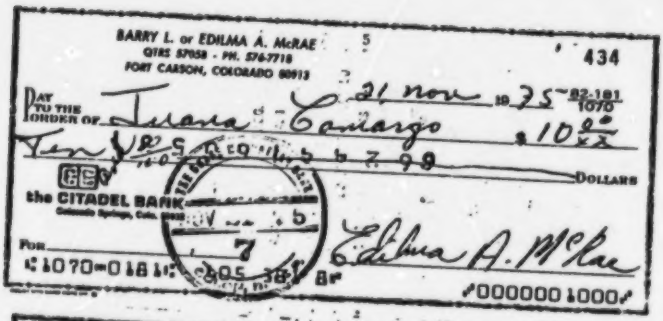

BARRY L. or EDILMA A. McRAE
QTRS 57058 - PH. 576-7718
FORT CARSON, COLORADO 80913

434

PAY TO THE ORDER OF Juana Camargo 21 Nov 19 75 82-181/1070

Ten 00/100 $ 10.00

DOLLARS

the CITADEL BANK

FOR

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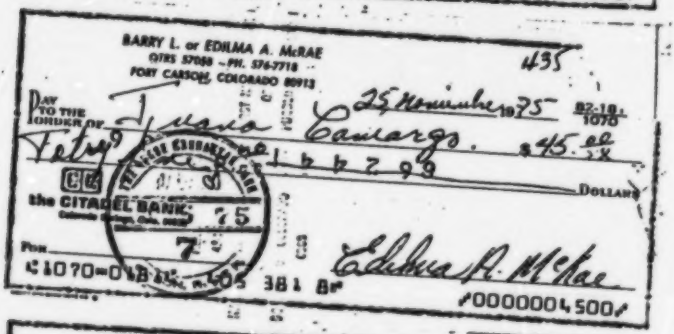
Edilma A. McRae



BARRY L. or EDILMA A. McRAE
QTRS 57058 - PH. 576-7718
FORT CARSON, COLORADO 80913

435

PAY TO THE ORDER OF Juana Camargo 25 Noviembre 19 75 82-181/1070

Forty 00/100 $ 40.00

DOLLARS

the CITADEL BANK

FOR

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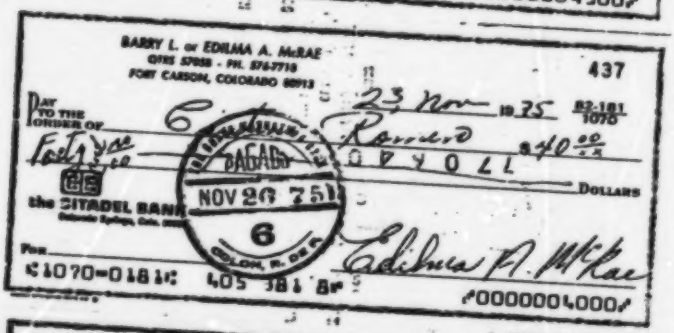
Edilma A. McRae



BARRY L. or EDILMA A. McRAE
QTRS 57058 - PH. 576-7718
FORT CARSON, COLORADO 80913

437

PAY TO THE ORDER OF Romero 23 Nov 19 75 82-181/1070

Forty 00/100 $ 40.00

DOLLARS

the CITADEL BANK

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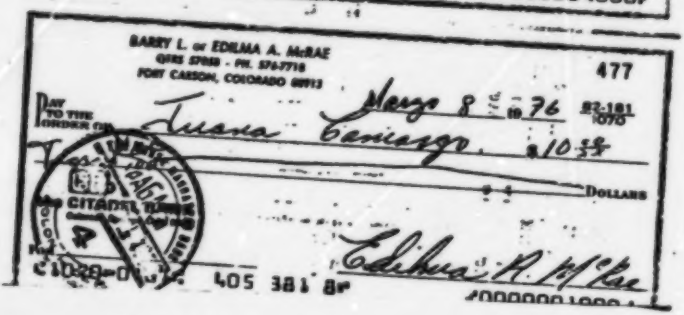
Edilma A. McRae



BARRY L. or EDILMA A. McRAE
QTRS 57058 - PH. 576-7718
FORT CARSON, COLORADO 80913

477

PAY TO THE ORDER OF Juana Camargo Marzo 8 19 76 82-181/1070

$ 10.00

DOLLARS

the CITADEL BANK

FOR

⑆1070-0181⑆ 405 381 8⑈

Edilma A. McRae

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BARRY L. or EDILMA A. McRAE
USMCAM (CDAAC)
APO NEW YORK 09086
574

585

October 7 19 76 82-181/1070

Pay to the order of Juan Rodrigo $ 16.00

Fifteen and no/100 Dollars

Citadel Bank

For

Edilma A. McRae

⑆1070⑈0181⑆ 405 381 8⑈ ⑈0000001500⑈

BARRY L. or EDILMA A. McRAE
USMCAM (CDAAC)
APO NEW YORK 09086
574

590

December 2 19 76 82-181/1070

Pay to the order of Desiderio Romero $ 5.00

Five and no/100 Dollars

Citadel Bank

For

Barry L. McRae

⑆1070⑈0181⑆ 405 381 8⑈ ⑈0000000500⑈

SSG BARRY L. or EDILMA A. McRAE
SS 394-52-7147
USMCAM (CDAAC) CM2137-7225
574 APO NEW YORK 09086

800

December 19 1977 83-181/1070

Pay to the order of Elliette Paredes $ 50.00

Fifty and no/100 Dollars

6105

Citadel Bank

For

111

Barry L. McRae

⑆1070⑈0181⑆ 405 381 8⑈ ⑈0000050000⑈

SSG BARRY L. OR EDILMA A. McRAE
USMCAM (CDAAC) CM2137-7225 - SS 394-52-7147
574 APO NEW YORK 09086

904

June 1 1978 83-181/1070

Pay to the order of Elliette Paredes $ 20.00

Twenty and no/100 Dollar

Citadel Bank The PLUS Bank

For

Barry L. McRae

⑈0000020000⑈

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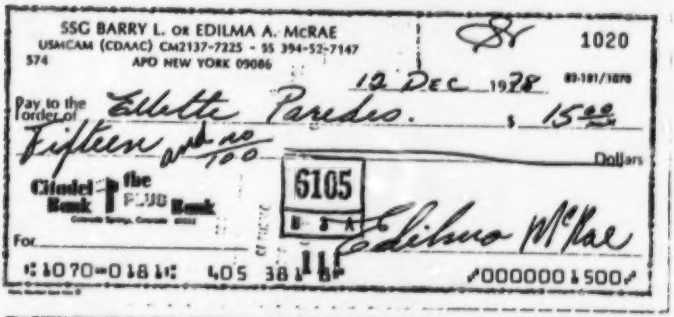

SSG BARRY L. OR EDILMA A. McRAE
USMCAM (CDAAC) CM2137-7225 - SS 394-52-7147
574 APO NEW YORK 09086

1020

12 DEC 1978

Pay to the order of Elliette Paredes. $ 15.00

Fifteen and no/100 Dollars

Citadel Bank | the Bank

6105

For

Edilma McRae

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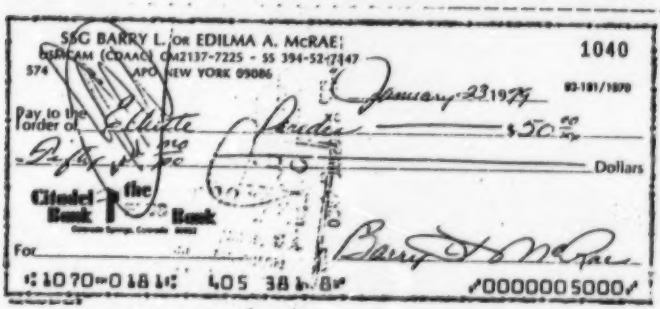


SSG BARRY L. OR EDILMA A. McRAE
USMCAM (CDAAC) CM2137-7225 - SS 394-52-7147
574 APO NEW YORK 09086

1040

January 23 1979

Pay to the order of Elliette Paredes $ 50.00

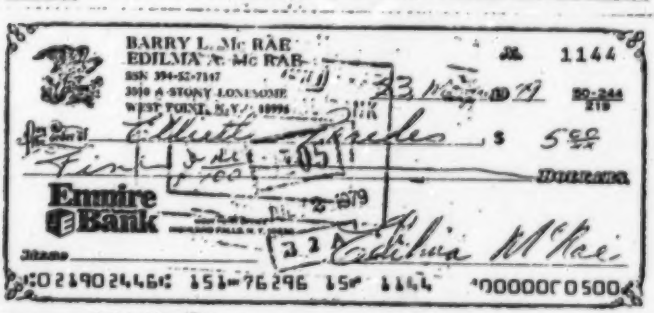
Fifty and no/100 Dollars

Citadel Bank | the Bank

For

Barry L McRae

⑆10 70⑈0 18 1⑆ 405 38 1 8⑈ ⑈000000 5000⑈



BARRY L. Mc RAE
EDILMA A. Mc RAE
SSN 394-52-7147
3010 A STONY LONESOME
WEST POINT, N.Y., 10996

1144

23 MAY 79

50-244
210

Elliette Paredes $ 5.00

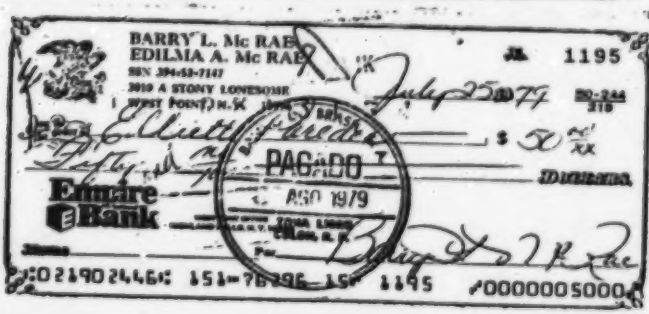
Five and no/100 Dollars

Empire Bank

MAY 25 1979

Edilma McRae

⑆0 2190 2446⑆ 151⑈ 76 296 15⑈ 1144 ⑈000000 0500⑈



BARRY L. Mc RAE
EDILMA A. Mc RAE
SSN 394-52-7147
3010 A STONY LONESOME
WEST POINT, N.Y.

1195

July 25 79

50-244
210

Elliette Paredes $ 50.00

Fifty and no/100 Dollars

PAGADO
AGO 1979

Empire Bank

Barry L McRae

⑆0 2190 2446⑆ 151⑈ 76 296 15⑈ 1195 ⑈000000 5000⑈

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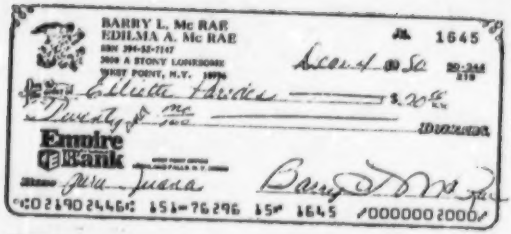
BARRY L. Mc RAE
EDILMA A. Mc RAE
SSN 394-52-7147
3010 A STONY LONESOME
WEST POINT, N.Y. 10996
No. 1645
Second 30 80
Edilma Paredes $ 20.00
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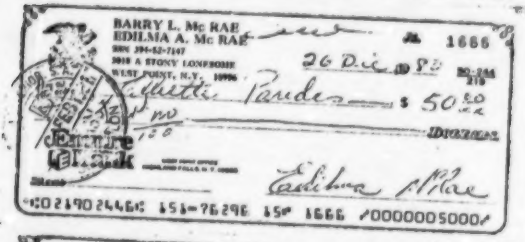
Empire Bank
Barry L Mc Rae
⑆021902446⑆ 151-76296 15# 1645 /000000200/


BARRY L. Mc RAE
EDILMA A. Mc RAE
SSN 394-52-7147
3010 A STONY LONESOME
WEST POINT, N.Y. 10996
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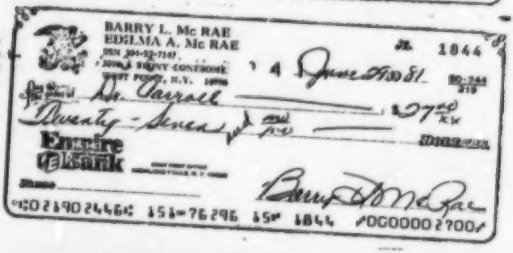
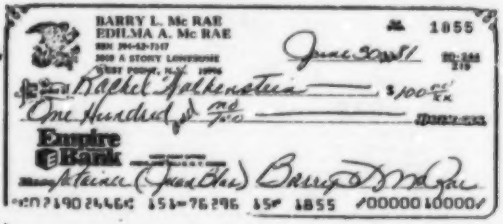
26 Dic 80
Edilma Paredes $ 50.00
no/100
Empire Bank
Edilma A Mc Rae
⑆021902446⑆ 151-76296 15# 1666 /000000500/

Since Juan was not authorized military medical treatment until the adoption was completed, his medical expenses were extraordinary expenses for us.


BARRY L. Mc RAE
EDILMA A. Mc RAE
SSN 394-52-7147
3010 A STONY LONESOME
WEST POINT, N.Y. 10996
No. 1844
4 June 1981
Dr. Vazquez $ 27.00
Twenty-Seven and no/100
Empire Bank
Barry L Mc Rae
⑆021902446⑆ 151-76296 15# 1844 /000002700/

Appeal for change of status from tourist to student.


BARRY L. Mc RAE
EDILMA A. Mc RAE
SSN 394-52-7147
3010 A STONY LONESOME
WEST POINT, N.Y. 10996
No. 1855
June 30 1981
Rachel Falkenstein $ 100.00
One Hundred and no/100
Empire Bank
Barry L Mc Rae
⑆021902446⑆ 151-76296 15# 1855 /000010000/

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MINISTERIO DE HACIENDA Y TESORO

I, the undersigned, FLORISELDA C. DE VALLE, Identification Cedula No. 3-18-434, Panama SS No. 003-9179, civil status married, of legal age, domiciled at No. 10.100 Apartment 19, 11th Street and Central Avenue of the city of Colon, Republic of Panama,

BY THE PRESENTS ATTEST

that Mrs. EDILMA A. McRAE, SSN 524-04-3769, and BARRY McRAE, SSN 394-52-7147, supported and covered the educational expenses of JUAN RICARDO McRAE since childhood while residing in the Republic of Panama.

Signed in the city of Colon, Republic of Panama, at nineteen days of the month of June nineteen hundred and eighty-five.

Floriselda C. de Valle

FLORISELDA C. DE VALLE

Cedula 3-18-434

FLORISELDA CAMARGO DE VALLE

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12 de junio de 1985.

Charles A. Ford Jr.

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BUDGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATION

Upon consideration of all the facts in this case, the Committee is of the opinion that H.R. 3093 should be enacted and accordingly recommends that the bill do pass.

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